

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TOD CURTIS, individually and as beneficiary,)
FIRST UNITED TRUST COMPANY, as)
Trustee under Trust No. 10510, and ELTO)
RESTAURANT INC., an Illinois corporation,)
)
Plaintiffs,)

v.)

No. 08 cv 03527

)
IRVANA K. WILKS, Village of Mount)
Prospect Mayor and Local Liquor Control)
Commissioner, MICHAEL E. JANONIS,)
Village of Mount Prospect Manager,)
WILLIAM COONEY, Village of Mount)
Prospect Economic Director, WILLIAM)
SCHROEDER, Village of Mount Prospect)
Building Commissioner, ROBERT ROELS,)
Village of Mount Prospect Environmental)
Health Manager, FRANK KRUPA, Village of)
Mount Prospect Environmental Health)
Inspector, OZ DEVELOPMENT, LLC, and the)
VILLAGE OF MOUNT PROSPECT,)
)
Defendants.)

Judge Guzman

Magistrate Nolan

NOTICE OF FILING

To: Lance C. Malina
Klein, Thorpe and Jenkins, Ltd.
20 North Wacker Drive
Suite 1660
Chicago, Illinois 60606

John J. Foley
Maurides & Foley, L.L.C.
2 North LaSalle Street
Suite 1800
Chicago, Illinois 60602

PLEASE TAKE NOTICE that on Friday, September 5, 2008, we electronically filed with the Clerk of the U.S. District Court for the Northern District of Illinois, Eastern Division, *Plaintiffs' Sur-Reply in Opposition to Certain Defendants' Motion Requesting That the Court Abstain From Exercising Jurisdiction Over the Complaint*, a copy of which is attached hereto and served upon you.

Dated: September 5, 2008

Respectfully submitted,

**TOD CURTIS, FIRST UNITED TRUST CO.,
and ELTO RESTAURANT CORPORATION**

By: s/ Theodore J. Koerth
One of Their Attorneys

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David T. Ballard
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CERTIFICATE OF SERVICE

I, Theodore J. Koerth, an attorney, do hereby certify that I caused copies of the attached *Plaintiffs' Sur-Reply in Opposition to Certain Defendants' Motion Requesting That the Court Abstain From Exercising Jurisdiction Over the Complaint* to be electronically filed with the Clerk of the Court and served on the following using the CM/ECF system on September 5, 2008:

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s/ Theodore J. Koerth